

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

GEMALTO S.A.,

vs.

HTC CORPORATION, ET AL.

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CASE NO. 6:10cv561 LED-JDL

ORDER

Before the Court is Plaintiff Gemalto SA's ("Gemalto") Motion to Compel Defendants to Serve Amended Invalidity Contentions that Reduce the Number of Alleged Prior Art References to No More than Four Per Claim (Doc. No. 275). Defendants¹ filed a Response (Doc. No. 285) and Gemalto filed a Reply (Doc. No. 290). Upon consideration, the Motion is **GRANTED-IN-PART** and **DENIED-IN-PART**.

On March 7, 2012, the Court denied Defendant's Motion to Limit the Number of Asserted Claims to Six per Patent, but ordered Gemalto to reduce the number of asserted claims to a manageable number (Doc. No. 171). Gemalto has since reduced its number of asserted claims to 28. REPLY at 1. As far as the Court can tell, this reduction has not resulted in a manageable number of claims for trial over the three patents-in-suit. Likewise, the number of anticipatory and/or obviousness references will need to be reduced to a manageable number for trial. Therefore, the Court **ORDERS** Gemalto to reduce the number of asserted claims to 10–12 no later than **November 6, 2012** and Defendants shall reduce the number of prior art references—and any combinations thereof—to be asserted in support of Defendant's anticipation or obviousness theories at trial no later than **November 20, 2012**. Absent extraordinary

¹ Moving defendants are: Exede, Inc., Google Inc., HTC America Inc., HTC Corporation, Motorola Mobility LLC, Samsung Electronics Co., LTD., Samsung Telecommunications America LLC (Collectively "Defendants").

circumstances, a manageable number per claim is no more than 2–3 references. Defendants must also identify how these references will be used, i.e. anticipatory or in combination, against each asserted claim. Any motions to further limit the number of asserted claims or prior art references/combinations must be filed no later than **December 4, 2012**.

So ORDERED and SIGNED this 23rd day of October, 2012.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE